

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

STATE OF MISSOURI,

Plaintiff,

-vs-

KEITH CARNES,

Defendant.

Case No.
16CR03- 06321

DEPOSITION OF WENDY LOCKETT.

produced, sworn and examined on Friday, October 28,
2005, at the Jackson County Prosecutor's Office,
415 East 12th Street, in Kansas City, Jackson
County, Missouri, before:

JENNY L. EASTABROOKS, CCR, for
CROSS REPORTING SERVICE, INC.

a Certified Court Reporter and Notary Public for the
State of Missouri.

Taken on behalf of Defendant.

APPEARANCES:

For the Plaintiff:

JACKSON COUNTY PROSECUTOR'S OFFICE
By: Ms. Dawn M. Parsons, Chief Trial Assistant
and Mr. Brady X. Twenter
415 E. 12th Street, 11th Floor
Kansas City, Missouri 64106

For the Defendant:

MR. WILLIS TONEY
Attorney at Law
1100 Main Street, Suite 1600
Kansas City, Missouri 64106

Also Present:

C.O. John

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WENDY LOCKETT,

having been first duly sworn by the Notary Public, was
examined and testified as follows:

EXAMINATION BY MR. TONEY:

Q. Ms. Lockett, my name is Willis Toney and I
represent Keith Carnes. The purpose of this
meeting we're having today is to take your
deposition in preparation for a trial. Do you
understand that you just took an oath to tell the
truth?

A. Yes.

Q. And you understand that if you don't tell the
truth under circumstances like this, there is a
possibility that you could be charged with
perjury?

A. Yes.

Q. Would you state your name for the record.

A. Wendy Lashone Lockett.

Q. What is your date of birth?

A. [REDACTED] 64.

Q. Your Social Security Number?

A. [REDACTED] 2608.

Q. And where were you living before you were
incarcerated?

MS PARSONS: I'm going to object to that,

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STIPULATIONS

It is hereby stipulated and agreed by and
between parties herein that presentment of the
deposition to the witness is hereby waived.

It is further stipulated and agreed by and
between the parties herein the signature of the
witness is waived to his said deposition, and said
deposition of said witness shall be of the same
force and effect as though said witness had read
over and signed said deposition.

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Examination by Mr. Toney 3

EXHIBITS

NONE

Exhibit CC (Lockett's 2005 deposition)

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it's not relevant to this and she's incarcerated
right now.

Q. (By Mr. Toney) Were you living in Kansas City?

A. Yes.

Q. How long have you lived in Kansas City?

A. 41 years.

Q. Where were you were living in October of 2003?

A. In October of 2003 I was living at 2838 Park.

Q. How long had you lived at 2838 Park?

A. To be precise about four or five months.

Q. Is that a house or an apartment?

A. It's a house.

Q. Who were you living with?

A. With Dollar Bill.

Q. Felicia Jones?

A. Yes.

Q. How long had you been living with Felicia?

A. Five or six months.

Q. So in living at the house did you and her move in
there together?

A. No.

Q. Who moved in first?

A. Felicia, it was Felicia's sister's house.

Q. And then you moved in?

A. Yes.

Resp. Ex. 51

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1 Q. Did you pay rent?
 2 A. No.
 3 Q. Who else lived in the house besides Felicia?
 4 A. Just me and Felicia.
 5 Q. Were the utilities on at the house?
 6 A. Yes.
 7 Q. Whose name were the utilities in?
 8 A. In Felicia's sister's name.
 9 Q. What's her name?
 10 A. I don't know what her sister's name is.
 11 Q. Who paid the utilities?
 12 A. Her sister.
 13 Q. Did you pay any rent at all?
 14 A. No.
 15 Q. Did you pay any utilities at all?
 16 A. No.
 17 Q. So you got to stay there rent free, no utilities,
 18 no nothing for four to five months?
 19 A. Yes.
 20 Q. Where did you live before 2838 Park?
 21 A. On the streets.
 22 Q. You lived on the streets from house to house?
 23 A. Yes.
 24 Q. How long were you homeless?
 25 A. A while, a long time.

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1 Q. One year, two years, three years?
 2 A. Close to a year.
 3 Q. Where did you live before you were homeless?
 4 A. On 27th and Prospect.
 5 Q. What's the exact address?
 6 A. 2703 East 27th Street.
 7 Q. So that's on 27th off of Prospect, correct?
 8 A. Yes.
 9 Q. Next to Ben's Liquors or next to the closed down
 10 pizza place?
 11 A. Ben's Liquor.
 12 Q. The first house next to Ben's Liquors?
 13 A. No, a couple houses from Ben's Liquor.
 14 Q. Who did you live there with?
 15 A. My little sister.
 16 Q. What's her name?
 17 A. Andrea Lockett.
 18 Q. Does she still live there?
 19 A. No.
 20 Q. Did you pay rent there?
 21 A. No.
 22 Q. How long did you live there?
 23 A. We had the house for six years.
 24 Q. Did you live there for the entire six years?
 25 A. We had the house for six years.

Page 7

1 Q. Did you live there for the entire six years?
 2 A. Yes.
 3 Q. Where did you live before that?
 4 A. On the streets.
 5 Q. How long?
 6 A. A couple of years.
 7 Q. Let's talk about employment. When was the last
 8 time you had a job?
 9 A. When was the last time I had a job?
 10 Q. Yes, ma'am.
 11 A. I'm employed now, I'm a licensed cosmetologist.
 12 Q. So the last you had a job would have been before
 13 you were arrested?
 14 A. Yes, sir.
 15 Q. Where were you working?
 16 A. At 3915 Chestnut, which is a house that has a
 17 salon in the basement.
 18 Q. Who owns that Salon?
 19 A. Shautan Clark.
 20 Q. Shaunda?
 21 A. Shautan.
 22 Q. Can you spell that for me?
 23 A. S-H-A-U-T-A-N.
 24 Q. And that's 3915 Chestnut?
 25 A. Yes.

Page 8

1 Q. You say you're a licensed cosmetologist?
 2 A. Yes.
 3 Q. So you have a license with the State of Missouri?
 4 A. Yes.
 5 Q. How long have you had that license?
 6 A. Oh, seven, eight, nine years.
 7 Q. Where did you go to cosmetology school?
 8 A. I went to Paris Cosmetology School.
 9 Q. What year did you graduate from there?
 10 A. What year?
 11 Q. Yes, ma'am.
 12 A. In '78.
 13 Q. Did you get licensed immediately after that?
 14 A. No, I didn't get licensed immediately after that,
 15 it took me a bit, you know, drifting here and
 16 there.
 17 Q. So what year did you get your license?
 18 A. What year did I actually get a license in?
 19 Q. Yes, ma'am.
 20 A. '81, '82.
 21 Q. Where did you work before working at 3915 Chestnut?
 22 A. I worked at Burger King, shift supervisor, it used
 23 to be on 63rd and Troost. They got closed down
 24 because they relocated. And before then I wasn't
 25 doing anything.

Resp. Ex 51

Page 9

1 Q. What year did you graduate from high school?
 2 A. I didn't graduate from high school. I received a
 3 GED in the prison.
 4 Q. What year did you get your GED?
 5 A. Oh, man, I think it's '98, I think.
 6 Q. How old were you the first time you got arrested?
 7 A. Ever?
 8 Q. Yes.
 9 A. Probably 11, 12.
 10 Q. What were you arrested for?
 11 A. Probably stealing.
 12 Q. How old were you the next time you got arrested?
 13 A. I don't know.
 14 MS. PARSON: I'm going to object to any
 15 questions about her juvenile record because
 16 juvenile --
 17 MR. TONEY: I didn't ask about
 18 convictions, Ms. Parsons. I asked about arrested.
 19 MS. PARSONS: I'm objecting to it,
 20 arrests and convictions as a juvenile I think it's
 21 irrelevant.
 22 Q. (By Mr. Toney) You can still answer the question,
 23 ma'am.
 24 MS. PARSON: Or not.
 25 A. Okay. I don't understand the question, I don't

Page 10

1 understand.
 2 Q. (By Mr. Toney) The question is, when was the next
 3 time you were arrested?
 4 A. I don't know.
 5 Q. Let's move forward to 16 years old. Let's start
 6 from 16 on, okay. When was the first time you
 7 were arrested after age 16?
 8 A. When was the first time I was arrested after the
 9 age 16, probably right after I turned 16.
 10 Q. What were you arrested for?
 11 A. Stealing.
 12 Q. Did you go to jail for that?
 13 A. Sure.
 14 Q. What jail?
 15 A. I went to juvenile.
 16 Q. What was the next thing you were arrested for?
 17 A. Drugs.
 18 Q. How old were you?
 19 A. I don't remember exactly how old I was. I was
 20 probably 18, about 18.
 21 Q. Was that a state charge or a city charge?
 22 A. State charge.
 23 Q. What were you charged with?
 24 A. I was charged with sales possession.
 25 Q. Of what?

Page 11

1 A. Of a controlled substance.
 2 Q. Which one?
 3 A. Crack cocaine.
 4 Q. Did you go to jail for that?
 5 A. Yeah. And I was put on probation and eventually I
 6 went to prison for it.
 7 Q. How much time did you get for that?
 8 A. Five years.
 9 Q. Was that in Jackson County?
 10 A. Yes.
 11 Q. Do you know what judge you went in front of?
 12 A. I don't remember what judge.
 13 Q. But you remember getting a five-year sentence for
 14 that or was it longer than five years?
 15 A. No, it was five years.
 16 Q. A five-year sentence. So that would have been a
 17 felony?
 18 A. Sure.
 19 Q. And that's when you believe you were 18 when you
 20 got that one?
 21 A. Yeah. I've had multiple.
 22 Q. We're going to go through them.
 23 A. Okay.
 24 Q. When was the next one?
 25 A. I can't remember the exact age, but all my cases

Page 12

1 were possessions and sales.
 2 Q. How many do you believe there were?
 3 A. Whoa.
 4 MS. PARSON: Are we talking arrests or
 5 convictions?
 6 Q. (By Mr. Toney) I want both, arrests and
 7 convictions. So we can go through them one at a
 8 time if you remember.
 9 A. I can't be precise on how many arrests it was,
 10 probably four or five convictions though.
 11 Q. Four or five convictions. All of them in Jackson
 12 County?
 13 A. Yes.
 14 Q. All of them felonies?
 15 A. Yes.
 16 Q. How many times have you been in prison?
 17 A. Three, four, five times.
 18 Q. Well, I'm just trying to be --
 19 A. I mean, I'm saying it's -- you mean just on the
 20 conviction or going to prison, violating probation
 21 or parole, going back to prison?
 22 Q. We're going to go through them like that, okay?
 23 A. Okay.
 24 Q. How many of your felony convictions resulted in
 25 immediate incarceration?

Resp. Ex. 51

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1 A. All of them.
 2 Q. So at least four times you've been to prison as a
 3 result of felony convictions?
 4 A. Yes.
 5 Q. Then you were paroled and you would have parole
 6 violations?
 7 A. Yes.
 8 Q. And you would go back to prison?
 9 A. Yes.
 10 Q. What prisons have you been in?
 11 A. Which prisons?
 12 Q. Yes, ma'am.
 13 A. All prisons for females in the State of Missouri.
 14 Q. Vandalia?
 15 A. Vandalia, yes.
 16 Q. Tipton?
 17 A. I've been in Fulton.
 18 Q. Okay.
 19 A. I've been to Tipton, the Old Rents in Cedar City
 20 that flooded out, I was there.
 21 Q. Okay.
 22 A. All of them.
 23 Q. What's the longest stint that you've done in
 24 prison, how many years?
 25 A. The longest incarceration period, probably two

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1 years.
 2 Q. When were you last released from prison?
 3 A. Last year -- or was it this year. I just did 120
 4 days and got taken off probation.
 5 Q. When did you start your 120 days?
 6 A. I started it in January or February.
 7 Q. Of '05?
 8 A. No, it wasn't '05, it was '04. Had to be '04.
 9 Q. And you did 120 days. What was that for?
 10 A. For a probation violation.
 11 Q. What was the underlying charge?
 12 A. I don't know.
 13 Q. Was it sale, possession, was it tampering with a
 14 motor vehicle?
 15 A. No, that's what I'm on probation for now.
 16 Q. Well, I want to know which one it is.
 17 MS. PARSON: If you don't remember --
 18 A. I don't remember.
 19 MS. PARSONS: -- that's fine.
 20 A. Honestly.
 21 Q. (By Mr. Toney) You don't remember the last thing
 22 you went to jail for?
 23 A. No.
 24 Q. When was the last time you used drugs?
 25 A. Depending on what type of drug you're talking

Page 15

1 about.
 2 Q. When was last time you used marijuana?
 3 A. About almost a year ago.
 4 Q. When was the last time you used cocaine?
 5 A. Close to a year ago.
 6 Q. When was the last time you used PCP?
 7 A. Never used it.
 8 Q. When was last time you used Ecstasy?
 9 A. Never used it.
 10 Q. When was the last time you had alcohol?
 11 A. So many years ago I don't remember.
 12 Q. When was the last time you used heroin?
 13 A. Never used it.
 14 Q. When was the last time you used crack cocaine?
 15 A. Almost a year ago.
 16 Q. Let's go back to 2003. Were you using crack
 17 cocaine then?
 18 A. Selling it too.
 19 Q. So the answer would be yes?
 20 A. Yes.
 21 Q. How often did you use crack cocaine?
 22 A. Not much, probably once every other day, or it
 23 just really depends. I can't say for definite, it
 24 just really depends.
 25 Q. When you did use how much would you use, what was

Page 16

1 your average daily dosage?
 2 A. When I did use, probably anywhere from say a
 3 dollar figure to 50, 70, maybe 100, maybe.
 4 Q. A dollar's worth, so from a dime to an 8-ball in
 5 a day?
 6 A. No, from a dollar.
 7 Q. A dollar's worth of crack cocaine?
 8 A. Yeah.
 9 Q. How much is a dollar's worth?
 10 A. They do that.
 11 Q. How much is a dollar's worth?
 12 A. How much is a dollar worth? It's a hit.
 13 Q. So less than an eighth of a gram, a real small
 14 amount.
 15 A. I'm not understanding your question. What is your
 16 question?
 17 Q. I want to know how much drugs you used, ma'am,
 18 that's all. You said a dollar, you used a dollar
 19 worth --
 20 A. Anywhere from a dollar's usage to a hundred
 21 dollar usage.
 22 Q. Did you mix the crack cocaine with marijuana?
 23 A. No, never.
 24 Q. Did you mix the crack cocaine with anything else?
 25 A. No.

Resp. Ex. 51

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Page 1

1 Q. Did you smoke it?
 2 A. Sure.
 3 Q. Did you ever shoot it up?
 4 A. No.
 5 Q. Have you ever been in a drug treatment facility?
 6 A. Yes.
 7 Q. Which one?
 8 A. The one in prison, I've been in the one in KCCC.
 9 Q. When was the last time you were at KCCC?
 10 A. About nine years ago, something like that.
 11 Q. When was the last time you were in drug treatment
 12 in the prisons?
 13 A. About five.
 14 Q. Five years ago?
 15 A. (Witness nods head.)
 16 Q. In October of 2003 you indicated you were living
 17 at 2838 Park. When you were living there were you
 18 selling drugs?
 19 A. Yes.
 20 Q. What kind of drugs were you selling?
 21 A. Crack cocaine.
 22 Q. Did you sell every day?
 23 A. Every day.
 24 Q. Where did you sell from?
 25 A. From the streets, around the 27th Street area from

1 Q. Well, tell me their names.
 2 A. Mitchell Powell was one. Trey was another one.
 3 Q. Does Trey --
 4 A. Reggie was another one.
 5 Q. Hold on. Does Trey have a real name that you know
 6 of?
 7 A. I don't know what his real name -- well, I know it
 8 now, but I didn't at the time.
 9 Q. So what do you know his name to be now?
 10 A. Keith Carnes.
 11 Q. And you say Mitchell Powell, Keith Carnes, and who
 12 was the other person that supplied you?
 13 A. Reggie.
 14 Q. What's Reggie's name?
 15 A. I don't know what Reggie's whole name is.
 16 Q. Anybody else?
 17 A. No.
 18 Q. Those are your three suppliers?
 19 A. Yeah.
 20 Q. Let's start with Mitchell Powell. How long have
 21 you known Mitchell Powell?
 22 A. Not long, a couple years.
 23 Q. A couple years before October of '03 or a couple
 24 years as of right now?
 25 A. As of right now a couple years, before October '3,

Page 18

Page 20

1 like the Green Duck, which is 26th and Prospect
 2 all the way to like 31st and Prospect.
 3 Q. So did you mostly sell on Prospect?
 4 A. I sold on Prospect, on Wabash, on Olive, on Park.
 5 Q. Did you sell from the corners of 28th, 29th Street
 6 where the apartment buildings are between Wabash
 7 --
 8 A. Yes.
 9 Q. -- and Olive?
 10 A. Yes.
 11 Q. How often did you sell --
 12 A. On the corner and the building too.
 13 Q. Let me ask the questions and we'll get through
 14 this a lot quicker, okay. So you would sell on
 15 the corner of Wabash?
 16 A. Yes.
 17 Q. You would sell on the corner of 28th and Olive?
 18 A. Yes.
 19 Q. And you would sell in those apartment buildings
 20 that were between the two of them, correct?
 21 A. Yes.
 22 Q. How often did you do that?
 23 A. Daily.
 24 Q. Who were your suppliers?
 25 A. Various people.

1 about almost a year.
 2 Q. Where did you meet Mitchell Powell?
 3 A. On the streets.
 4 Q. When you met Mitchell Powell what was your
 5 arrangement with him in terms of selling drugs?
 6 A. What was my arrangements, I didn't have no
 7 arrangements with him.
 8 Q. Well, did you just buy from him and then resell?
 9 A. No, he came into our territory serving dope.
 10 Q. So when you say your territory, what was your
 11 territory?
 12 A. Our area, 29th Street from Wabash to Olive to
 13 Park.
 14 Q. And you had been selling there for how long?
 15 A. Ever since I had been living on 27th Street
 16 actually.
 17 Q. Well, according to you, you started living on 27th
 18 Street at least eight years before October of '03,
 19 so that would be 1995?
 20 A. Off and on.
 21 Q. So you've been selling drugs since at least 1995
 22 in that area?
 23 A. In all areas, but, yeah, that was one area, yes.
 24 Q. You characterized that as your territory. Did
 25 that mean that you had some exclusive right to

Page 21

Page 23

1 that area?

2 A. Yeah, I lived there.

3 Q. So that made it your territory because you lived

4 there?

5 A. Yes.

6 Q. Did you ever carry guns?

7 A. No.

8 Q. Knives?

9 A. No.

10 Q. Did you ever employ anybody to serve as protection

11 for you?

12 A. No.

13 Q. Did Mitchell Powell ever serve as protection for

14 you?

15 A. No.

16 Q. Have you ever been robbed selling drugs?

17 A. Have I ever been robbed selling drugs?

18 Q. Yes.

19 A. No.

20 Q. Have you ever robbed anybody?

21 A. No.

22 Q. So tell me about your alliance with Mr. Powell,

23 how would you buy drugs from him and how would you

24 sell drugs for him?

25 A. I didn't sell drugs for him.

Page 22

1 Q. Did you buy drugs from him?

2 A. I bought drugs from him.

3 Q. And what would be the amount that you would

4 normally buy from him?

5 A. What does that have to do with anything?

6 Q. Ma'am --

7 A. I'm not understanding what does my amount --

8 amount of me buying have to do with anything?

9 Q. Ma'am, I would just like for you to answer the

10 question.

11 A. Okay. I'm not understanding the question.

12 Q. How much drugs would you buy from Mitchell Powell

13 on a regular basis?

14 A. An 8-ball.

15 Q. An 8th of an ounce?

16 A. An 8-ball.

17 Q. Tell me what an 8-ball is, how much is that?

18 A. An 8-ball is 3.5.

19 Q. 3.5 ounces or 3.5 --

20 A. 3.5.

21 Q. -- grams?

22 A. Grams, 3.5.

23 Q. How often would you buy 3.5 grams from Mr. Powell?

24 A. Every once in a while. I bought from everybody.

25 Q. Let's talk about Mr. Carnes. When did you first

1 meet Mr. Carnes?

2 A. Probably about a year or so -- probably about the

3 same time I met Mr. Powell.

4 Q. So a year before October of '03? 2002

5 A. Yeah.

6 Q. Where did you meet Mr. Carnes at?

7 A. He just showed up in the area.

8 Q. You don't remember the first place that you met

9 him at?

10 A. Sure, it was on Chestnut.

11 Q. 100 block of Chestnut?

12 A. 25th hundred block of Chestnut.

13 Q. Whose house was there?

14 A. It was Junior's house.

15 Q. Who is Junior, does he have another name?

16 A. I don't know what his real name is.

17 Q. Do you remember his address?

18 A. No, I don't. I just know it's the 2500 block of

19 Chestnut.

20 Q. Tell me about your first encounter with Mr.

21 Carnes.

22 A. My first encounter with Mr. Carnes, I was over at

23 Junior's house, he was there selling dope.

24 Q. And you bought some from him?

25 A. No, I didn't.

Page 24

1 Q. Did you have a conversation with him?

2 A. Hi, how you doing.

3 Q. How do you know he was selling drugs?

4 A. If you see somebody selling dope, then how would

5 you not know that they sell drugs?

6 Q. Well, I don't know, ma'am, I wasn't there. So why

7 don't you just tell me how you --

8 A. I just told you how.

9 Q. You saw him do a drug transaction?

10 A. I saw him do a drug transaction, he was selling

11 drugs.

12 Q. What kind of drugs was he selling?

13 A. Crack cocaine.

14 Q. Who was he selling it to?

15 A. To a customer.

16 Q. A male customer or female customer?

17 A. Male.

18 Q. Did you watch him do more than one transaction?

19 A. Sure, I did. And eventually I started buying from

20 him.

21 Q. When did you start buying from him?

22 A. Around the same period.

23 Q. Was this to support your drug habit or for resale?

24 A. For resale, of course, I didn't have a habit.

25 Q. How much did you buy from Mr. Carnes on a regular

Page 25

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1 --
 2 A. 3.5.
 3 Q. Always the same, 3.5?
 4 A. Always the same.
 5 Q. How much would you pay for that?
 6 A. It would depend.
 7 Q. On what?
 8 A. It would depend on what type of day it was for
 9 him.
 10 Q. What was --
 11 A. Some days it may have been an \$80 day, some days
 12 it may have been \$100 day, it just depends.
 13 Q. So between 80 and \$100 would be the normal price?
 14 A. Yeah.
 15 Q. When you were buying from Mr. Carnes did you all
 16 establish a friendship or a business relationship?
 17 A. A business relationship.
 18 Q. Did he have your phone number?
 19 A. No.
 20 Q. Did you have his phone number?
 21 A. No.
 22 Q. How did you get in touch with him?
 23 A. He was always at the house.
 24 Q. Which house?
 25 A. On 25th.

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1 Q. He was at the house on 25th and Chestnut?
 2 A. Yeah, in the beginning.
 3 Q. And that's where you would encounter him and
 4 that's where you would get the drugs?
 5 A. Yes.
 6 Q. At some point did he move away from 25th and
 7 Chestnut to another area?
 8 A. At some point did he?
 9 Q. Yes.
 10 A. Yes, he did.
 11 Q. What area did you start seeing him at then?
 12 A. He started being up on 28th, the Wabash area.
 13 Q. 28th and Wabash?
 14 A. Uh-huh.
 15 Q. Do you know when that was?
 16 A. No, sir, I do not know exactly when it was.
 17 Q. So when you were there on 28th and Wabash was he
 18 just standing on the corners or was he in a house
 19 or an apartment or where?
 20 A. He was either or, in the building, in the
 21 apartment or sometimes out on the corner, it's
 22 either or.
 23 Q. Again, during that period of time you would buy
 24 8-balls from him?
 25 A. At that period in time I wasn't buying anything

1 from him because I was kind of up on my
 2 own, you know what I'm saying?
 3 Q. So you were doing your own thing?
 4 A. Yeah.
 5 Q. Who were you getting your drugs from then?
 6 A. A friend.
 7 Q. What was that friend's name?
 8 A. A friend.
 9 Q. You're not going to answer?
 10 A. A friend.
 11 Q. Okay. But it wasn't Mr. Carnes?
 12 A. No.
 13 Q. When did you start getting drugs from Reggie?
 14 A. Same time I started getting them from Mr. Carnes.
 15 Q. And where did you start getting drugs from Reggie
 16 at?
 17 A. Same place.
 18 Q. 25th and Chestnut?
 19 A. 25th.
 20 Q. Was he on Chestnut or was he just on 25th Street?
 21 A. He was just on 25th Street.
 22 Q. And how much did you buy from Reggie?
 23 A. 3.5, that's what I bought from everybody.
 24 Q. Now, by October of '03 you say you were up on your
 25 own so you're not buying from either Reggie or

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1 Keith or Milton anymore; is that what you're
 2 telling me?
 3 A. Correct.
 4 Q. You had a different supplier then?
 5 A. No, I didn't say that.
 6 Q. Well, I'm asking you, did you have a different
 7 supplier?
 8 A. That's irrelevant.
 9 Q. No, it's not, it's very relevant, ma'am. Did you
 10 have a different supplier besides Keith and Reggie
 11 and the other guy you told me about, Milton?
 12 A. No, I just had a friend.
 13 Q. Was that friend Milton, yes or no?
 14 A. No.
 15 Q. Was it Reggie?
 16 A. No.
 17 Q. Was it Keith?
 18 A. No.
 19 MS. PARSON: You're saying Milton, you
 20 mean Mitchell?
 21 MR. TONEY: Yeah, Mitchell, I'm sorry.
 22 THE WITNESS: I know who he means.
 23 MS. PARSONS: Well, I just want the
 24 record to be clear.
 25 Q. (By Mr. Toney) Mitchell Powell, is that what you

Page 29

Page 31

1 told me, right?

2 MS. PARSON: This is just to clear up

3 the record.

4 Q. (By Mr. Toney) I just want to make sure that the

5 record is clear.

6 A. Yeah.

7 Q. Now, on the day of this shooting where were you at

8 earlier in the day?

9 A. I was at home.

10 Q. Which home?

11 A. What do you mean which home, there was only one

12 home at that time, it was on 2838 Park.

13 Q. So you were at 2838 Park?

14 A. Earlier in the day, yes.

15 Q. What time did you get up that day if you remember?

16 A. I never went to sleep that day.

17 Q. So you were up all day, all night?

18 A. I was up all night.

19 Q. Were you doing drugs that night?

20 A. No, I wasn't doing drugs.

21 Q. Were you drinking that night?

22 A. No, I don't drink.

23 Q. So you were just up?

24 A. Selling.

25 Q. Selling drugs?

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1 A. Yes.

2 Q. Were you working the corner of 28th and --

3 A. Yes.

4 Q. Let me ask the question first, ma'am.

5 A. But I worked out of that whole corner, period.

6 Q. On Wabash and Olive and Prospect?

7 A. No, not Prospect, just Wabash and Olive.

8 Q. Wabash and Olive. So you were out working the

9 corner all night?

10 A. Uh-huh.

11 Q. Who else was out there with you?

12 A. Felicia was out there, Red was out there.

13 Q. Have you ever learned what Red's name was?

14 A. No.

15 Q. Could you describe him to me?

16 A. Red is just a guy, he's light skinned, my height,

17 I would say my complexion, maybe a shade or two

18 lighter, real nappy hair, really skinny. When he

19 smoked he got high.

20 Q. He was a smoker?

21 A. Uh-huh.

22 Q. What was he doing out there?

23 A. Smoking.

24 Q. And you were selling?

25 A. Yes.

1 Q. What was Felicia doing?

2 A. Prostituting.

3 Q. What time did you start out there that day?

4 A. That day we -- I started like probably about 4:00

5 that afternoon.

6 Q. And from 4:00 o'clock on you would have been out

7 on that corner, correct?

8 A. Yes.

9 Q. What time did you first see Mr. Carnes that

10 evening?

11 A. I couldn't tell you what time I first saw him that

12 evening, sir, I don't know what time it was. I'm

13 selling drugs, I'm not keeping time.

14 Q. So would it have been after 4:00 o'clock?

15 A. Yes, it would have been after 4:00.

16 Q. Was it before midnight?

17 A. Yeah, before midnight.

18 Q. Was it before 10:00 o'clock?

19 A. I can't say before 10:00 o'clock.

20 Q. It was --

21 A. I know it was before midnight.

22 Q. It was between the hours of 4:00 p.m. and

23 midnight; would that be correct?

24 A. I already answered yes.

25 Q. When you saw Mr. Carnes was he in the buildings,

Page 32

1 was he on the street?

2 A. He was on the porch when I first saw him.

3 Q. The porch of the?

4 A. Of the apartment building he sells dope in.

5 Q. Which one was that, ma'am?

6 A. The middle building. You know which one it was.

7 Q. No, ma'am, I wasn't there. Would you just answer

8 my questions, okay. So he was in the middle

9 building?

10 A. Uh-huh.

11 MR. TONEY: Mr. Twenter, do you have --

12 MR. TWENTER: The pictures, yeah.

13 MR. TONEY: Thank you. Let's take a

14 break for a minute.

15 (Brief recess.)

16 Q. (By Mr. Toney) I want to show you what's marked as

17 State's Exhibit No. 28, and ask you if you are

18 familiar with that area?

19 A. Yes.

20 Q. What area is that, ma'am?

21 A. It's the area of Wabash and Olive.

22 Q. On 28th Street?

23 A. Yes.

24 Q. In Kansas City, Missouri?

25 A. Yes.

Resp. Ex. 51

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1 Q. And you say that when you first saw Mr. Carnes
2 that evening he was in the middle building, I
3 believe that would be --
4 A. You can see it in that picture.
5 Q. I want to make sure the address is correct. 2404
6 and 2406 would be the middle building, East 28th
7 Street. Which side was he on?
8 A. He was right there.
9 Q. So we would be at the 2404 side. Which balcony
10 was he on?
11 A. The first.
12 Q. Was it dark outside when you first saw him?
13 A. Yes.
14 Q. Was there anybody else on the porch when you saw
15 him?
16 A. Yeah, there was somebody else on porch.
17 Q. Who was on the porch?
18 A. I'm not for sure who it was that was on the porch
19 with him, but it was somebody else on the porch.
20 Q. Can you describe what Mr. Carnes had on when he
21 was standing on that porch?
22 A. He had on a black hoody, he had on all black,
23 period, a black sweat suit, but it was a black
24 hoody.
25 Q. And the other person who was on the porch, what

1 from being on that porch?
2 A. When was the next time I saw him?
3 Q. Right, that night when was the next time you saw
4 him?
5 A. When he is running up the street.
6 Q. So the first time you saw him he was standing on
7 the porch?
8 A. Yes.
9 Q. The next time you saw him he was running up the
10 street?
11 A. Yeah.
12 Q. Well, let's talk about what goes in between that
13 time, all right?
14 A. Yes.
15 Q. When you saw him standing on the porch what were
16 you doing?
17 A. I was standing on the corner talking to a couple
18 of people.
19 Q. Who were those people?
20 A. Me, Larry and Felicia was crossing over and Red
21 was trying to do his thing.
22 Q. What is "do his thing," I don't know what that
23 means?
24 A. It means he's trying to get high.
25 Q. Was he buying drugs from you?

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1 did they have on?
2 A. I'm not for sure what they had on. I think it was
3 dark coloring too, I'm not for sure.
4 Q. Did the other person have on a hoody also?
5 A. No.
6 Q. How did you know it was Mr. Carnes?
7 A. The patch.
8 Q. Please explain further what --
9 A. The patch, he wears a patch on his eye.
10 Q. So you saw an eye patch?
11 A. Yes.
12 Q. Do you recall which eye it was on?
13 A. No, sir.
14 Q. You don't know whether it was the left or the
15 right?
16 A. No, I don't know whether it was the left or the
17 right, but it was Mr. Carnes if that's what you're
18 getting at.
19 Q. So when you saw Mr. Carnes did you have a
20 conversation with him?
21 A. No, I didn't haven't a conversation with him.
22 Q. Did you have a conversation with the other person
23 who was there?
24 A. No.
25 Q. When was the next time you saw Mr. Carnes aside

1 A. Yes.
2 Q. And Felicia was doing what?
3 A. Was picking up a date.
4 Q. Was she getting into a car?
5 A. No, she was picking up a date, not saying that she
6 actually had picked up a date, but she was trying
7 to pick up a date.
8 Q. She was talking to somebody in the car?
9 A. No, she was trying to pick up a date, standing
10 there trying to get a date.
11 Q. Was there a car coming by or is she just standing
12 on the corner?
13 A. No, there wasn't a car coming by.
14 Q. What was Larry doing?
15 A. Standing there talking to me.
16 Q. Do you know Larry's full name?
17 A. No, I don't know his full name.
18 Q. Would he be Larry White, the victim in this case,
19 is that who you're talking about?
20 A. Yes.
21 Q. So he is standing there talking to you. Does
22 Larry sell drugs?
23 A. Yes, he did.
24 Q. Was he selling drugs that evening?
25 A. Yes, he was.

Resp. Ex 51

1 Q. So you and Larry were both standing there selling
2 drugs that evening?
3 A. Yeah, and talking.
4 Q. When you saw Mr. Carnes on the front porch was
5 Larry standing beside you?
6 A. Yes, he was.
7 Q. Did Mr. Carnes say anything to you?
8 A. Not directly to me, no, he didn't.
9 Q. Did he say anything to Larry?
10 A. Yeah, he told him that he wasn't going to be
11 standing out there like that.
12 Q. So he said that Larry couldn't stand out there,
13 but he didn't say anything to you who was also
14 standing out there selling, correct?
15 A. Right.
16 Q. And then what did Larry say back to him?
17 A. He didn't say anything back to him.
18 Q. What did Larry do?
19 A. Me and Larry just kept talking.
20 Q. Then what happened?
21 A. Then next thing you know we hear gunfire.
22 Q. You hear gunfire?
23 A. Yeah.
24 Q. Where is the gunfire coming from?
25 A. It's coming from the porch.

1 Q. From the porch?
2 A. Yeah.
3 Q. So somebody standing on this second balcony --
4 A. No, the first.
5 Q. The first balcony at 2404, they were standing on
6 the balcony?
7 A. (Witness nods head.)
8 Q. Is that a yes?
9 A. Yes.
10 MS. PARSONS: You just have to say it
11 for the record.
12 THE WITNESS: Oh.
13 A. Yes.
14 Q. (By Mr. Toney) And you heard gunfire coming from
15 there?
16 A. Yes.
17 Q. Did see who was shooting?
18 A. At that time, no.
19 Q. How many shots did you hear?
20 A. Two.
21 Q. Did you turn to look toward that area?
22 A. Yeah, I was like whoa, yeah.
23 Q. Then what did you see?
24 A. Then I seen -- when I turned and looked I see
25 people coming off the side of the wall.

1 Q. Jumping over the front of the porch?
2 A. Yes.
3 Q. Now, there is a fence up there and then there is a
4 gate. Were they jumping over the fence or coming
5 through the gate?
6 A. Coming over the side of the wall.
7 Q. All right.
8 A. Which is the porch.
9 Q. So they're coming to the side where the steps are?
10 A. No, they're coming off the side of the wall.
11 They're standing on the porch, they come over the
12 side of the wall which puts them on the sidewalk.
13 Q. And that's what I'm asking you.
14 A. Yeah.
15 Q. So they came through the gate area?
16 A. Yeah, they came through the gate.
17 Q. How many of them?
18 A. Two.
19 Q. Do you know who they both were?
20 A. No, I don't know who they both were. At that
21 point in time I didn't know who either were, I
22 could only speculate, I wasn't for sure until I
23 was in like the area.
24 Q. So when they were coming across the wall you
25 didn't know who was coming?

1 A. No.
2 Q. Then what happened?
3 A. Then we all ducked. We ducked and went --
4 everybody kind of went separate ways running.
5 Q. When you say you "ducked," what does that mean,
6 did you hit the ground, did you just bend over,
7 what did you do?
8 A. I hit the ground.
9 Q. When you hit the ground were you face down looking
10 down into the ground?
11 A. Yes.
12 Q. Where was Larry?
13 A. Next to me.
14 Q. Where was Felicia?
15 A. I don't know.
16 Q. Where was Red?
17 A. I don't know.
18 Q. But Larry was laying next to you?
19 A. Larry was stooped next to me.
20 Q. Were you having a conversation with Larry?
21 A. At that time after the gunfire took place, no,
22 there was no need for conversation anymore.
23 Q. Did Larry say anything to you at all?
24 A. No, he didn't say anything to me.
25 Q. Then what happened?

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1 A. He went running one way, I went running another
 2 way.
 3 Q. Which direction did you run, toward Prospect or
 4 toward Olive?
 5 A. Toward Prospect.
 6 Q. You ran toward Prospect?
 7 A. Yeah.
 8 Q. And which direction did Larry run?
 9 A. Toward Prospect as well.
 10 Q. When you ran toward Prospect which way did you go
 11 then?
 12 A. I went through the back way.
 13 Q. I don't know what that means, ma'am, through what
 14 back way?
 15 A. It's an open --
 16 Q. Did you go down -- I'm trying to make it easier.
 17 Were you standing on the corner of Olive or were
 18 you standing on the corner of Wabash?
 19 A. Olive.
 20 MR. TWENTER: Would you like a map?
 21 MR. TONEY: Yeah.
 22 MS. PARSONS: The big map?
 23 MR. TONEY: Yeah, I need the big map.
 24 (Brief recess.)
 25 Q. (By Toney) I'm going to show you what's marked as

1 Q. That is a yes?
 2 A. Yes, I'm sorry, yes.
 3 MS. PARSON: It's a habit. You're
 4 communicating, the record is not picking it up.
 5 THE WITNESS: Okay.
 6 A. Yes.
 7 Q. (By Mr. Toney) And you're saying that Mr. Larry
 8 White was standing next to you?
 9 A. Yeah.
 10 Q. And you both were standing on this northeast
 11 corner?
 12 A. Northeast corner.
 13 Q. You see two individuals come off the porch of
 14 2404, are they shooting at that point?
 15 A. Yeah, the shooting was taking place as they're
 16 coming off the side of the wall.
 17 Q. Do you hear shots coming in your direction?
 18 A. Yeah, shoo, right past me.
 19 Q. And you hit the ground?
 20 A. Yeah.
 21 Q. And Mr. White hits the ground with you?
 22 A. Yeah, he hits the ground.
 23 Q. Now, you say you get up and start going in a
 24 different direction, you're going different
 25 directions?

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1 State's Exhibit No. 3. It depicts the area that
 2 we're talking about here. And this is 29th Street?
 3 A. Uh-huh.
 4 MS. PARSON: You've got to say yes so
 5 she can get it.
 6 THE WITNESS: Yes, I'm sorry.
 7 MS. PARSON: That's okay.
 8 Q. (By Mr. Toney) And this would be Olive, Wabash and
 9 Prospect?
 10 A. And Prospect.
 11 Q. Now, you were standing on the corner of Wabash or
 12 Olive?
 13 A. Olive.
 14 Q. On the north corner or the south corner?
 15 A. North corner.
 16 Q. So would it be the northeast corner or the
 17 northwest corner?
 18 A. I wouldn't know if it was northeast or northwest.
 19 Q. Well, I'm going to explain to you. If you're on
 20 this side of the street, it would be the northwest
 21 corner. If you're closet to the building, it's
 22 going to be the northeast corner.
 23 A. Northeast corner.
 24 Q. So you're standing on the northeast corner?
 25 A. Uh-huh.

1 A. Yeah.
 2 Q. Now, do you go down Olive or do you go down 29th
 3 Street?
 4 A. I don't go down Olive, I go up 29th.
 5 Q. You go 29th Street going toward Prospect?
 6 A. Yeah.
 7 Q. Do you go in the front of the building or the back
 8 of the building?
 9 A. I go through the back of the bidding.
 10 Q. You go through the back of the building, behind
 11 the apartment buildings?
 12 A. Yeah.
 13 Q. When you get behind the apartment buildings what
 14 do you do?
 15 A. I hesitate for a minute.
 16 Q. And then go which way?
 17 A. Then I keep going straight over.
 18 Q. You go behind the buildings?
 19 A. Yeah, behind the buildings is an opening in the
 20 fence, but I'm not inside that opening, I'm at the
 21 house, between the house and the fence.
 22 Q. So you're going down past the fence to where the
 23 house is?
 24 A. Yeah.
 25 Q. And you're saying you go between the fence and the

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1 house?
 2 A. Uh-huh.
 3 Q. Is that a yes?
 4 A. Yes, I'm sorry, yes.
 5 Q. So at this point when you're back here where is
 6 Mr. White?
 7 A. Mr. White is -- I'm not exactly sure where he is,
 8 but he's running, he's going that way.
 9 Q. That way, would that be east on 29th Street toward
 10 Prospect?
 11 A. He's going toward 29th Street, yeah.
 12 Q. When you get up --
 13 A. Toward Prospect.
 14 Q. When you get up and leave he starts going down
 15 29th Street?
 16 A. He's going up -- yeah, up or down on Olive.
 17 Q. 29th Street toward Prospect?
 18 A. Toward Prospect, yeah, he's going that way.
 19 Q. So you lose sight of him?
 20 A. I lose sight of him for a minute, yes.
 21 Q. Now, when you go between these houses, where do
 22 you go then?
 23 A. I go straight over.
 24 Q. Toward Wabash?
 25 A. I'm going, yeah, toward Wabash, toward Prospect.

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1 Q. And you're going between the houses?
 2 A. Yeah.
 3 Q. Do you go through the alleyway?
 4 A. Do I cut across the alley?
 5 Q. Yes.
 6 A. Yeah -- where the church is?
 7 Q. No, I'm talking about this first alley, the alley
 8 --
 9 A. That first alleyway, yeah.
 10 Q. Do you cut across there?
 11 A. No.
 12 Q. Do you see Mr. White then?
 13 A. That's when I come back in view of him.
 14 Q. Where is he at then?
 15 A. He's coming around the side, he's like coming
 16 through -- he's going through the lot.
 17 Q. Which lot?
 18 A. This lot up in here.
 19 Q. On Wabash north of 2847 there is a lot?
 20 A. See, this comes to the open right here, all this
 21 comes out in the open. I'm coming out here
 22 because my direction I'm going to go this way
 23 actually.
 24 Q. You're going to go north?
 25 A. I'm going to go north, but actually -- but when I

1 come back in contact, my sight comes back in
 2 contact on him right here in the open.
 3 Q. So you're saying the next time you see Mr. White
 4 he's in this field, this open lot area?
 5 A. Open lot area where the church is.
 6 Q. Where are you at?
 7 A. I'm right in here, I'm coming out right in here.
 8 Q. How do you know that it's Mr. White?
 9 A. I was just been standing to the man -- I had been
 10 standing next to the man for hours so I know it's
 11 him. And then he's kind of slunched over like, so
 12 I'm --
 13 Q. Where is Felicia?
 14 A. I don't know.
 15 Q. Where is Red?
 16 A. I don't know.
 17 Q. So when you run off, you run off by yourself?
 18 A. Of course.
 19 Q. And Mr. White runs off by himself?
 20 A. Yeah, everybody basically, yeah.
 21 Q. Now, when you go that way do you have to go over
 22 any fences?
 23 A. Do I have to go over any fences?
 24 Q. Yes, ma'am.
 25 A. There is a hole in the fence.

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1 Q. Do you climb over any fences?
 2 A. No.
 3 Q. Do you go between fences?
 4 A. Yeah.
 5 Q. And you say you see Mr. White running through the
 6 field, through the open area?
 7 A. Open lot.
 8 Q. Open lot going toward the church; would be that
 9 right?
 10 A. No, in the church is -- the open lot is a church
 11 lot.
 12 Q. Correct.
 13 A. Okay. That's where I see him at.
 14 Q. You saw him in the church parking lot?
 15 A. Going through it, yeah.
 16 Q. Going through the church parking lot?
 17 A. Yeah.
 18 Q. Do you see anybody behind him?
 19 A. Not at first.
 20 Q. Do see anyone chasing him?
 21 A. Not at first.
 22 Q. How far behind him are you?
 23 A. Not far.
 24 Q. So he's running, you're not far behind him, you
 25 don't see anybody behind him?

Resp. Ex. 51

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1 A. No.
 2 Q. When you get to the church where is Mr. White?
 3 A. When I get to the church?
 4 Q. Yes.
 5 A. Mr. White is now at the Fish Town lot.
 6 Q. Do you see anybody behind him then?
 7 A. No, up on him then.
 8 Q. Did you see where that person came from?
 9 A. No, I didn't.
 10 Q. So you didn't see them running behind him through
 11 the open lot area?
 12 A. No, they would have to come straight up.
 13 Q. So the next time you see anybody they're at the
 14 Fish Town; is that correct?
 15 A. By the corner.
 16 Q. Do they have their backs to you?
 17 A. Yes.
 18 Q. Do you hear them say anything?
 19 A. I heard die, mother fucker, you're going to die,
 20 something to that effect. I can't say exactly
 21 what he said, but it was something to that effect,
 22 die, mother fucker, you're going to die tonight or
 23 something like that.
 24 Q. Did you recognize the voice?
 25 A. Yeah, I recognized the voice.

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1 Q. Did you tell the police that you recognized the
 2 voice?
 3 A. I didn't even talk to the police.
 4 Q. Have you ever told the police that you recognized
 5 the voice?
 6 A. They never asked. They asked me did I know who
 7 the person was that was standing over him who had
 8 the gun.
 9 Q. Now, you --
 10 A. They asked me to describe the gun. I told them it
 11 was only a dark blue, bluish-black colored gun.
 12 Q. So you hear this voice that you can recognize
 13 saying these words to him to the effect of die,
 14 mother fucker, die, something like that?
 15 A. Something to that effect.
 16 Q. Did that person turn around and look at you?
 17 A. The person turned around, not to say that he
 18 looked at me --
 19 Q. Did he turn around in your direction?
 20 A. -- but he turned around in my direction, that's
 21 how I saw who he was.
 22 Q. What did you see?
 23 A. I saw Mr. Carnes with his patch on his eye.
 24 Q. Did you see someone fire a gun at that point?
 25 A. He did.

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1 Q. Did you see or hear the gun go off?
 2 A. Yes.
 3 Q. Which one?
 4 A. Both.
 5 Q. How many shots did you hear?
 6 A. One.
 7 Q. One shot. And where was Mr. White when you heard
 8 the shot?
 9 A. He had already -- he was already stumbled up
 10 there, he was already damn near down. You might
 11 as well say he was completely down. There was no
 12 need for the extra shot.
 13 Q. Was he laying on the ground or was he stumbling
 14 down, which one was it?
 15 A. He was on the ground.
 16 Q. Then you say Mr. Carnes walked up to him then or
 17 ran up to him?
 18 A. Was running.
 19 Q. Okay.
 20 A. Him and someone else.
 21 Q. So there was another person up there?
 22 A. Yes.
 23 Q. Okay.
 24 A. I never said there wasn't.
 25 Q. Did the other person shoot?

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1 A. No.
 2 Q. Did the other person have a gun?
 3 A. No.
 4 Q. So the other person that ran up there, you didn't
 5 see them with a gun?
 6 A. No.
 7 Q. But you know it was two people up there in that
 8 parking lot?
 9 A. Yes.
 10 Q. And you indicate that you saw Mr. Carnes with a
 11 gun in his hand?
 12 A. Yes.
 13 Q. What kind of gun was it?
 14 A. It was a black steel-colored gun, at least that's
 15 how it looked to me.
 16 Q. Was it a pistol, was it a rifle?
 17 A. I couldn't tell you if it was a pistol or a rifle
 18 or a sawed-off or what.
 19 Q. Was it long or short?
 20 A. I couldn't tell you that either. All I know it
 21 was a gun.
 22 Q. Going back to the two people on the porch at 2404,
 23 did you observe whether both of those people had
 24 guns or just one of them had a gun?
 25 A. I couldn't tell you if both of them actually had

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1 guns, but I know it was -- one had a gun, that
 2 much I do know. And I know it was more than one
 3 shot.
 4 Q. How do you know that one had a gun?
 5 A. Because I'm looking right at him.
 6 Q. But you don't remember which one had the gun?
 7 A. Sure, the hooded one had the gun. One had on a
 8 hoody, one didn't.
 9 Q. So when they get up to the parking lot and you say
 10 you observed this shooting in the parking lot,
 11 where were you standing at?
 12 A. At that point I was behind the church actually --
 13 not really behind the church, but off in the dark.
 14 Q. You were in the dark?
 15 A. Yeah.
 16 Q. Were you looking completely across?
 17 A. I was looking directly at.
 18 Q. Across the parking lot of the church?
 19 A. I wasn't far.
 20 Q. Just answer my question, please. Were you
 21 standing next to the building of the church?
 22 A. Yes.
 23 Q. So you were looking from the building of the
 24 church to the parking lot; is that correct?
 25 A. Yes.

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1 Q. Do you wear glasses?
 2 A. No.
 3 Q. Have you ever worn glasses?
 4 A. No.
 5 Q. What did you observe after you say you saw this
 6 person shoot Mr. White?
 7 A. When he turned in my direction and that was to put
 8 -- to banish the gun I suppose, that's when I seen
 9 the patch. And I'm like oh, fuck, duck down and
 10 ran like hell.
 11 Q. So which direction did you go?
 12 A. I went down 29th Street at that time. Well,
 13 northbound, I'm going straight north. I'm going
 14 --
 15 Q. On Prospect to the church?
 16 A. I'm going straight down, straight down Prospect
 17 Avenue.
 18 Q. That's what I wanted. So you're going from --
 19 A. From the church.
 20 Q. -- the church, start running down Prospect Avenue?
 21 A. Yeah.
 22 Q. Did anybody follow after you?
 23 A. No, it was dark as hell on that side of the
 24 street.
 25 Q. Okay.

1 A. I mean, actually it's dark on both sides of the
 2 street except for right at that little bitty piece
 3 of light. Right up under where he laid at Fish
 4 Town is just a light, a street light.
 5 Q. The rest of the area is dark, correct?
 6 A. Right.
 7 Q. No street lights over there, right?
 8 A. There is street lights over there, but it's dark.
 9 Q. And the part where you were standing next to the
 10 church, that was dark?
 11 A. Uh-huh.
 12 Q. Is that a yes?
 13 A. Yes, I'm sorry.
 14 Q. After you left that area where did you go?
 15 A. After I left that area where did I go?
 16 Q. Yes, ma'am.
 17 A. Away from there.
 18 Q. To where?
 19 A. Down to my sister's house.
 20 Q. Is that the one there on East 27th Street?
 21 A. No.
 22 Q. You went to another sister's house?
 23 A. Yeah, I have another sister's house.
 24 Q. What is her name?
 25 A. Her name is Barbara.

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1 Q. What is her last name?
 2 A. Lockett.
 3 Q. Where does she live?
 4 A. She stayed down in Chouteau.
 5 Q. Was she living in Chouteau then?
 6 A. Yeah.
 7 Q. So how did you get from 27th and Prospect down to
 8 Chouteau?
 9 A. Ran.
 10 Q. You ran all the way from 27th and --
 11 A. Well, not nonstop. You know, I ran for a minute,
 12 stopped to catch my breath, looked over my
 13 shoulder, cut through a couple of alleys, ran some
 14 more. You know, but I travelled all the way by
 15 foot.
 16 Q. Now, let me make sure I'm thinking of the same
 17 Chouteau Apartments that you're thinking of.
 18 A. Yes.
 19 Q. You're talking all the way down Independence Avenue?
 20 A. Uh-huh.
 21 Q. You went from 27th Street all the way down to
 22 Independence Avenue?
 23 A. Uh-huh.
 24 MS. PARSONS: Is that a yes?
 25 A. Yes, I'm sorry.

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1 MS. PARSON: That's okay, we'll just
 2 keep on --
 3 Q. (By Mr. Toney) When you got there did you have a
 4 conversation with your sister?
 5 A. No.
 6 Q. Did you have a conversation with anybody that
 7 night about what you saw?
 8 A. No.
 9 Q. When was the first time you told anybody about
 10 what you saw that night?
 11 A. When the police rolled upon me.
 12 Q. When was that?
 13 A. A couple days later.
 14 Q. Do you remember the first police officer you
 15 talked to?
 16 A. Yes.
 17 Q. Who was it?
 18 A. Huth.
 19 Q. Huth?
 20 A. Officer Huth.
 21 Q. And what did you tell him?
 22 A. He just told me I was wanted for questioning. I
 23 said, "Okay."
 24 Q. You went with him?
 25 A. Uh-huh.

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1 Q. Did he ask you any questions --
 2 A. No.
 3 Q. -- while you were in the car? No?
 4 A. No.
 5 Q. Who was the first officer that you talked to about
 6 the shooting?
 7 A. I don't remember. The first officer I spoke to I
 8 don't remember.
 9 Q. When was the first time you gave a statement?
 10 A. That day that I was picked up. It was a
 11 Detective -- I don't remember his name.
 12 Q. Did he write it down?
 13 A. Yeah.
 14 Q. Did he have you sign the statement?
 15 A. Yeah.
 16 Q. Do you know if they videotaped your statement?
 17 A. They didn't videotape it, no.
 18 Q. What did you tell the officer that you saw?
 19 A. The same thing I just told you.
 20 Q. Have you told anybody else about what you saw?
 21 A. No.
 22 Q. So the only people you've told is a police
 23 officer, that's it?
 24 A. And -- yeah, you all.
 25 Q. You told Ms. Parsons, Dawn. The lady next to you?

1 A. Well, in questioning.
 2 Q. Have you not sat in her office and had a
 3 conversation with her about what happened?
 4 A. About directly what happened?
 5 Q. Yes.
 6 A. No.
 7 Q. When she came to see you at Leeds before we had
 8 the last trial did you talk to her about what
 9 happened then?
 10 A. No, we talked about me going to court.
 11 Q. Did you ever talk to Mr. Twenter about what
 12 happened?
 13 MS. PARSONS: Him.
 14 A. No.
 15 Q. (By Mr. Toney) Did you ever talk with any
 16 investigator from the prosecutor's office about
 17 what happened?
 18 A. No.
 19 Q. So the only person that you have given a statement
 20 to would be the police officer, the detective who
 21 questioned you; is that correct?
 22 A. Uh-huh.
 23 Q. Is that a yes?
 24 A. Yes.
 25 Q. None of your friends, none of your homies, nobody

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1 that you hung out with have you ever had a
 2 discussion with?
 3 A. No.
 4 Q. You're presently in custody in the Jackson County
 5 Jail, correct?
 6 A. Correct.
 7 Q. And you have a pending case right now, correct?
 8 Do you have any pending cases?
 9 A. I'm there for probation violation, which is I'm
 10 just waiting to go to court, it's reinstated.
 11 Q. Your probation has been reinstated?
 12 A. Yeah.
 13 Q. How do you know that?
 14 A. Because I talked to the hearing officer.
 15 Q. You mean your probation officer?
 16 A. Yeah, they have hearing officers to come and see
 17 you and, you know, interview you why.
 18 Q. And they told you your probation was going to be
 19 reinstated?
 20 A. No, he had me sign a paper saying that I had to
 21 report to my probation officer as soon as I was
 22 released, that pretty much tells you.
 23 Q. When were you placed on probation?
 24 A. A couple months ago.
 25 Q. Was that after you testified in court in this

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1 case?
 2 A. No, but that case I was already placed on
 3 probation.
 4 Q. Before you testified in court?
 5 A. Uh-huh.
 6 Q. Is that a yes?
 7 A. Yes.
 8 Q. Why were you at Leeds when the --
 9 A. Oh, for not doing -- I had some city tickets, I
 10 had five city tickets and I didn't pay the fines,
 11 I didn't do the community service.
 12 Q. So you had pled guilty and were placed on
 13 probation before you came to court and testified
 14 last May?
 15 A. No. I had pled guilty, I hadn't already had been
 16 placed on it yet.
 17 Q. You pled guilty, who was your attorney then?
 18 A. I don't remember her name.
 19 Q. Was it a public defender?
 20 A. Yeah, it was a public defender.
 21 Q. Did you enter into any agreements with the
 22 prosecutors -- did you have any agreements with
 23 the prosecutor's office regarding your testimony?
 24 A. No.
 25 Q. Did they make you any promises to assist you on

1 Q. Why didn't you come to court?
 2 A. Why didn't I come to court?
 3 Q. Yes, ma'am.
 4 A. Actually I had forgot and when I did -- when my
 5 sister did bring it to my attention is was kind
 6 like a little bit too late, you know, I was past
 7 time to be here.
 8 Q. Did you contact the prosecutor's office?
 9 A. No.
 10 Q. I'm going to go back through a couple of things
 11 and we can wrap this up. Let's talk about how
 12 long -- again, how long have you known Mr. Carnes?
 13 A. A couple years.
 14 Q. And your relationship with him had to do with you
 15 buying drugs from him?
 16 A. Yes.
 17 Q. You consider yourself in a business relationship
 18 with him?
 19 A. Only.
 20 Q. What was your relationship with Larry White?
 21 A. Just associates, you know, associates in the game.
 22 Q. You sell drugs together?
 23 A. Yeah.
 24 Q. Do you have any other type of relationship with
 25 him?

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1 any of your outstanding cases?
 2 A. No.
 3 Q. Did the police department make you any agreements
 4 to assist on your outstanding cases?
 5 A. No.
 6 Q. Have you ever testified in court against anybody
 7 else?
 8 A. No.
 9 Q. Have you ever made any deals with the police or
 10 prosecutor to testify or give information about
 11 any crimes?
 12 A. No.
 13 Q. This is the only time you've ever agreed to
 14 testify in court about a crime that you observed?
 15 A. Yes.
 16 Q. Were you aware that this case was set for trial
 17 approximately two Mondays ago?
 18 A. What day would that be?
 19 Q. I don't have a calendar.
 20 MS. PARSON: October 10th or 11th.
 21 MR. TWENTER: October 11th.
 22 Q. (By Mr. Toney) October 11th.
 23 A. Was I aware?
 24 Q. Right.
 25 A. Yes, I was.

1 A. No.
 2 Q. On the night of the shooting you're standing on
 3 the corner of 28th and Olive, you're selling
 4 drugs, correct?
 5 A. Correct.
 6 Q. And you're standing there with who you say is
 7 Felicia Jones, Larry White and the person you
 8 described as Red?
 9 A. (Witness nods head.)
 10 Q. Is that a yes?
 11 A. Yes.
 12 Q. You indicate that there are two men standing on
 13 the porch of the first floor unit at 2404 East
 14 29th Street and one of them has a gun; is that
 15 right?
 16 A. One of them had a gun, yes.
 17 Q. And that you heard a couple of shots coming from
 18 that direction?
 19 A. Yes.
 20 Q. But you don't know who was shooting, you can't tell
 21 us which one of them was shooting?
 22 A. I couldn't tell you actually which one shot, no,
 23 I couldn't.
 24 Q. Then you started to run up Olive going north and
 25 Mr. White ran down 29th Street going east; is that

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1 correct?
 2 A. Correct.
 3 Q. And you lost sight of Mr. White?
 4 A. Correct.
 5 Q. That would also mean you lost sight of the two
 6 people --
 7 A. Correct.
 8 Q. -- that were shooting or you say they were
 9 shooting, correct?
 10 A. Correct.
 11 Q. But you then ran behind the houses through the
 12 lots going toward Prospect; is that correct?
 13 A. Correct.
 14 Q. And that you ran in behind Mr. White as he was
 15 running through the lot at 28th and Wabash and you
 16 didn't see anybody chasing him at that point?
 17 A. I didn't run in behind him.
 18 Q. Well, you said he --
 19 A. I came out in the open and that's when I observed
 20 him going through the lot.
 21 Q. All right.
 22 A. No, I did not see nobody chasing him or anything,
 23 my eyes was focused totally on him.
 24 Q. And as he ran through the lot you went also
 25 through the lot?

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1 A. Yes.
 2 Q. Did you observe him cross Prospect?
 3 A. Yes.
 4 Q. As he crossed Prospect where did you go?
 5 A. I'm still in the shadows.
 6 Q. And when he crossed Prospect --
 7 A. That's when the two figures appear coming across
 8 Prospect as well.
 9 Q. Did he fall?
 10 A. No, he stumbled.
 11 Q. When he stumbled you say there were two guys
 12 there and one of them started to say die,
 13 mother fucker, die?
 14 A. Something to that effect.
 15 Q. And then you observed someone shoot him?
 16 A. Right.
 17 MS. PARSON: Objection, I think that's a
 18 mischaracterization, she said it was your client,
 19 Mr. Carnes. Now you're putting words in her mouth.
 20 MR. TONEY: No, I'm just asking her
 21 questions.
 22 Q. (By Mr. Toney) At that point the person's back was
 23 to you, correct?
 24 A. Correct. When the person turned around it was Mr.
 25 Carnes.

1 Q. So when you saw the shot or what you say you saw
 2 the shot, the person's back was to you, correct?
 3 A. Correct.
 4 Q. And not until they turned around, is that when
 5 you're saying you recognized it as Mr. Carnes?
 6 A. Yeah, he had the gun.
 7 Q. And you don't know whether the other person had a
 8 gun or not?
 9 A. The other person, I don't know if he had a gun or
 10 not, but he wasn't in a hoody either.
 11 Q. Now --
 12 A. And he wasn't wearing a patch.
 13 Q. When the person who had on the hoody and had on
 14 the patch turned around, you say you saw a gun in
 15 their hand?
 16 A. Yeah, he was --
 17 Q. But you don't know what kind of gun it was?
 18 A. I don't know what kind it was.
 19 Q. So you were far enough away to see that there was
 20 a gun but not close enough --
 21 A. The reflection of the light.
 22 Q. But not close enough to see what kind of gun; is
 23 that right?
 24 A. Exactly.
 25 Q. And you're saying that you believe it was Mr.

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1 Carnes you --
 2 A. No, I know it was Mr. Carnes.
 3 Q. Let me finish asking the question, ma'am. You're
 4 basing your knowledge of it being Mr. Carnes on
 5 the fact that you say you saw the patch?
 6 A. I'm basing my knowledge on the fact that I know
 7 him and I'm from the streets.
 8 Q. So it's not because you saw the patch --
 9 A. It is because I saw him, yes.
 10 Q. Well, which one is it, ma'am.
 11 A. It's both.
 12 Q. You know him and you saw --
 13 A. I know him by appearance, I know that was him. It
 14 couldn't have been somebody else wearing the patch
 15 and the hoody, it was definitely Mr. Carnes,
 16 that's what I'm saying.
 17 Q. Did you see their facial features?
 18 A. Yes.
 19 Q. From that distance you saw their facial features?
 20 A. Yes, you can't mistaken his facial features.
 21 Q. And after that you took off running from there
 22 down to Chouteau?
 23 A. Yes.
 24 Q. Thank you.
 25 A. Thank you.

Resp. Ex. 51

1 MS. PARSONS: I have no questions. I'm
2 going to waive signature and presentment. Could
3 we have a scrunch copy.
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1 CERTIFICATE

2 STATE OF MISSOURI:)
3 COUNTY OF JACKSON) SS.

4 I, JENNY L. EASTABROOKS, Certified Court
5 Reporter and Notary Public for the State of
6 Missouri, do hereby certify that pursuant to
7 Agreement of counsel, there came before me:

8 WENDY LOCKETT,

9 who was by me first duly sworn to testify the
10 whole truth of her knowledge concerning this
11 matter in controversy aforesaid; that she was
12 examined and her examination then and there
13 written in shorthand by me and afterwards typed,
14 being correctly and accurately set forth in the
15 foregoing seventy pages; and said deposition is
16 now herewith returned.

17 I further certify that I am not counsel,
18 attorney or relative of either party or clerk or
19 stenographer of either party, or of the attorney
20 of either party, or otherwise interested in the
21 event of this suit.

22 IN WITNESS WHEREOF, I have hereunto set my
23 hand and affixed my seal at my office in
24 Independence, Missouri, this ____ day of
25 _____, 2005.

My Commission expires January 15, 2006.

Jenny L. Eastabrooks, CCR
Certified Court Reporter No. 1032 (T)
Notary Public, State of Missouri

WENDY LOCKETT 10-28-2005

Condenselt™

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Commission - GED

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